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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202219
Party	Plaintiff Eat Right Foods Ltd.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EAT RIGHT FOODS LTD.,

Opposer,

v.

KEVIN LEVILLE,

Applicant.

Opp. No.: 91202219

Ser. No.: 77/868,068

Date of Publication:
April 26, 2011

OPPOSER EAT RIGHT FOODS LTD.'S
NOTICE OF RELIANCE NO. 30

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to 37 C.F.R. § 2.120(j) and 704.09 of the Trademark Trial and Appeal Board Manual of Practice and Procedure, Opposer Eat Right Foods Ltd. provides Notice of Reliance on portions of the certified transcript of the Discovery Deposition of Kevin Leville, dated May 16, 2012, submitted herewith.

Dated: September 25, 2012.

Respectfully Submitted,
SHARTSIS FRIESE LLP

By: _____


JOSEPH V. MAUCH

Attorneys for Opposer
EAT RIGHT FOODS LTD.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CERTIFIED COPY

EAT RIGHT FOODS, LTD.,) OPP NO.: 91202219
 Opposer,) SER NO.: 77/868,068
 vs.) DATE OF APPLICATION:
KEVIN LEVILLE,) APRIL 26, 2011
 Defendant.)

DEPOSITION OF KEVIN LEVILLE
WEDNESDAY, MAY 16, 2012

BEHMKER REPORTING AND VIDEO SERVICES, INC.
BY: SAMANTHA HOWELL, LSR NO. 462
160 SPEAR STREET, SUITE 300
SAN FRANCISCO, CA 94105
(415) 597-5600

1 Q And was Nutritional Excellence, LLC engaged in
2 the same business as your prior entities, Nutra Meals and
3 then Eat Right America, LLC?

4 A Yes, but more.

5 Q Can you describe the "but more"? What else was
6 Nutritional Excellence doing?

7 A This company was creating books, DVDs, audios,
8 other products the other company hadn't.

9 Q So let me see if I understand Nutritional
10 Excellence's business. They're providing to retailers, to
11 consumer packaging companies, to end users, to churches a
12 variety of products related to nutrition, and those
13 products are the personalized health assessment, this
14 software relating to scoring nutrient values in food, and
15 to books and other dietary information; is that an accurate
16 summary?

17 A Yeah. Yes.

18 Q Anything I left out or --

19 A We had introduced a food bar on one occasion,
20 T-shirts, hats -- no hats, just T-shirts, sweatshirts,
21 water bottles.

22 Q So clothing that had the Eat Right America logo
23 on it?

24 A Yes.

25 Q And the food bars were marketed with the Eat

1 Right America; is that correct?

2 A No.

3 Q They didn't say Eat Right America on the food
4 bar?

5 A No.

6 Q And the packaging for the food bar didn't say Eat
7 Right America?

8 A Not on the packaging for the food bar. The bar
9 itself was a pure silver package, no writing on it
10 whatsoever.

11 Q So in the box that held the --

12 A It said Eat Right America.

13 ATTORNEY MODICA: Just let him finish.

14 THE WITNESS: I'm sorry.

15 Q (By Attorney Mauch) Just so we're clear. So the
16 way that these were distributed to the public is that they
17 were packaged in a paper box, and in that paper box was a
18 number of bars in silver packages; is that correct?

19 A Yes.

20 Q And on that box was the Eat Right America mark?

21 A Yes.

22 Q And you said a water bottle; is this a
23 refillable, reusable water bottle or was this a plastic
24 bottle of water, one-time use?

25 A Refillable.

1 Q So they were --
2 A Aluminum.
3 Q -- aluminum? The earlier application that we
4 looked at, Exhibit 1, the application from 2006, was that
5 trademark later assigned by Nutra Meals, LLC to another
6 entity?
7 A Yes.
8 Q It was assigned to Nutritional Excellence; is
9 that right?
10 A Yes.
11 Q So do you recall when that assignment occurred?
12 A No.
13 Q Approximately?
14 A 2007, early 2008.
15 Q And you had testified previously that Nutritional
16 Excellence kind of took over as an ongoing business, it was
17 formed and took over as a business in March 2007; is that
18 right?
19 A That's correct.
20 Q So it would have been some time after March
21 2007?
22 A Yes.
23 Q But you believe prior to this application in
24 2009? By "this application" I mean Exhibit 5.
25 A Yes.

1 Q So let's now turn to another exhibit.

2

3 (Exhibit 6, Application, marked for
4 identification.)

5

6 Q (By Attorney Mauch) So Exhibit 6 is now a third
7 trademark application, serial number 77868068, filing date
8 11-09-2009, and, once again, for the Eat Right America
9 mark; do you recognize this application, Mr. LeVille?

10 A Yes.

11 Q And it was made on the same date as the exhibit
12 we just looked at, Exhibit 5; right?

13 A Yes.

14 Q So on November 9, 2009 you're filing --
15 Nutritional Excellence is filing two applications related
16 to the Eat Right America mark; is that right?

17 A Yes.

18 Q And beginning at the very bottom of this page,
19 where it says goods or services, you see it first says
20 International Class 5; do you see that at the very bottom
21 of the page?

22 A Yes.

23 Q And if you go on you'll see that it lists one,
24 two, three, four different classes that were applied for --
25 I'm sorry, five, excuse me. Why don't you take a minute

1 and look at those?

2 A Yes.

3 Q So it's Class 5, 16, 25, 29, and 30; is that
4 right?

5 A Yes.

6 Q And let's start with five, which the description
7 actually begins at the top of the second page of Exhibit 6.
8 Tell me about the goods and services in this class and the
9 way that Nutritional Excellence intended to use the mark on
10 these goods and services.

11 A Create a line of dietary supplements.

12 Q And for those people that aren't, like me,
13 heavily involved in the nutrition and diet food industry,
14 can you explain what a dietary supplement is?

15 A I'm not a scientist. My lay definition is
16 something that enhances the diet providing nutrients to the
17 body.

18 Q So these are vitamins, pills that are ingested,
19 put in the mouth and swallowed?

20 A That would be one form, yes.

21 Q What are other forms?

22 A Powders, drinks; supplements can come in any
23 form.

24 Q But that's something that the individual ingests,
25 for lack of a better word?

1 A Sometimes.

2 Q Is there ever a time when an individual doesn't

3 ingest supplements?

4 A Yes.

5 Q Can you give me an example?

6 A Oils, vitamin E.

7 Q And those are rubbed on the skin?

8 A (Witness nods.)

9 Q That's right?

10 A Yes. Yes. I'm sorry.

11 Q And Class 5 includes herbal supplements,

12 homeopathic supplements, mineral supplements. Can you

13 explain, if there is any difference, the differences

14 between these different types of supplements?

15 A No, I really can't.

16 Q So who made the decision to apply for these

17 particular supplements and products in Class 5?

18 A The company made the decision that we wanted to

19 have the supplement area covered.

20 Q And do you recall who in particular from

21 Nutritional Excellence came up with these various goods?

22 A No.

23 Q But it wasn't you?

24 A (Witness shakes head left to right.)

25 Q That was a no?

1 A We were all involved in the conversation.

2 Q And if you look directly below that description

3 you'll see there's two columns, and in the left-hand column

4 it says filing basis; do you see that?

5 A Yes.

6 Q And then it says section 1-B?

7 A Yes.

8 Q Do you have any idea what that means,

9 Mr. LeVille?

10 A No.

11 Q Have you ever heard of an intent to use trademark

12 application?

13 A Yes.

14 Q Do you know what an intent to use trademark

15 application is?

16 A No.

17 Q Have you ever heard of the -- the difference

18 between an actual use application and an intent to use

19 application?

20 A I've heard of it; I wouldn't want to give you the

21 definition.

22 Q I'm not going to hold you to any legal

23 definition. What's your understanding -- layman's

24 understanding of what the difference is?

25 A An intent to use something, in other words, it's

1 something you are going to use in the future versus you
2 currently do or already have.

3 Q So do you recall at the time you were making this
4 application in Exhibit 6 that these were all applied for as
5 an intent to use the mark on these goods, not as current
6 use of the mark on these goods?

7 ATTORNEY MODICA: Objection to form.

8 THE WITNESS: Should I answer the question?

9 ATTORNEY MODICA: You can answer it.

10 THE WITNESS: Please restate the question.
11 I'm not trying to be a pain.

12 Q (By Attorney Mauch) Sure. I understand. At the
13 time this application was made it was made as an intent to
14 use application; do you recall that Nutritional Excellence
15 had not yet used the mark on these goods, and rather was
16 intending to use the mark on these goods in the future, as
17 you said?

18 ATTORNEY MODICA: Objection to form.

19 THE WITNESS: Yes.

20 Q (By Attorney Mauch) So as of November 9, 2009,
21 do you recall that Nutritional Excellence had used the Eat
22 Right America mark on any of the goods listed in any of the
23 classes on this application?

24 A No.

25 Q But there was a plan to use the mark in the

1 future on these goods; is that correct?

2 A Yes.

3 Q Okay. So moving further down on these rows,
4 International Class 16 -- it's on page two of Exhibit 6; do
5 you see that?

6 A Yes.

7 Q And this is for a series of books in the fields
8 of nutrition, health, lifestyle wellness?

9 A Yes.

10 Q Tell me about the goods that Nutritional
11 Excellence intended to use the mark on in this category?

12 A Books, DVDs, audio.

13 Q And what books did you intend to use? Did you
14 have any particular books in mind, or tell me about the
15 business that you were going to have in terms of selling
16 these books, DVDs?

17 A The particular business -- you mean, where they
18 were going to be sold?

19 Q What books and so forth did you have in mind,
20 what were the books; describe them to me?

21 A Recipe books, instructional videos, nutritional
22 books.

23 Q Okay. And these were in part -- were these books
24 at least in part related to books already published or to
25 be published by Dr. Fuhrman?

1 A No. These were books that would be published by
2 Nutritional Excellence.

3 Q Okay. Moving down, International Class 25 for
4 clothing; do you see that?

5 A Yes.

6 Q And you testified a couple minutes ago that the
7 mark was going to be used on, I believe you said, shirts;
8 is that right?

9 A Yes.

10 Q Any other clothing that it was intended to be
11 used on at the time of this application?

12 A Sweatshirts, hats.

13 Q And later, after this application, was, in fact,
14 used on the clothing or just on shirts?

15 A Just shirts, sweatshirts.

16 Q And just so the record's clear, the shirt would
17 say Eat Right America?

18 A (Witness nods.)

19 Q Would it say anything else on it?

20 A Sometimes there would be a tag; It's That Simple,
21 you know, Got Kale, Got Veggies.

22 Q And those were other marks -- other logos that
23 you were using along with Eat Right America; is that
24 right?

25 A We put them on the shirts.

1 Q And I'll be clear. When I say "marks," I'm not
2 saying applied for registered marks, just marks being used
3 by your company?

4 A Right.

5 Q Let's move down to Class 29?

6 A Okay.

7 Q Frozen prepared and packaged vegetable based
8 entrees, fruit and nut based snacks, and soups. Tell me
9 about the intention to use the mark on these types of
10 goods, Mr. LeVillage?

11 A We thought at some point people who were on the
12 program would want it made easy, so there was a possibility
13 that we would create a line of foods for these people.

14 Q Okay. So let me make sure I understand. So a --
15 a user of the personalized nutrition plan who was getting
16 information related to their nutrition and diet from you
17 via that plan could then go and purchase food products also
18 marketed and produced by your company?

19 A Or at least having the mark, yes.

20 Q Okay. So maybe you wouldn't actually make the
21 food, but you would place the mark on food that was being
22 marketed?

23 A Yes.

24 Q I just want to make sure I understood your
25 distinction you made there. Is that right?

1 A Yes.

2 Q And you already described food bars. What other
3 food products did Nutritional Excellence ultimately market
4 with the Eat Right America mark on them? And let me
5 clarify; when I say "on them," I don't mean literally
6 embossed on the food in your mouth, but on the packaging or
7 marketing of that food.

8 ATTORNEY MODICA: Object to form.

9 Q (By Attorney Mauch) Did you understand the
10 question, Mr. LeVillle?

11 A Yes. Nothing. We produced a bar.

12 Q Do you recall that some time after November 2009
13 Nutritional Excellence amended their application and
14 modified some of the goods listed in Class 29?

15 A No.

16 Q You don't recall that? If I told you that the
17 application was later modified to remove the frozen,
18 prepared, and packaged vegetable based entrees, would that
19 surprise you?

20 ATTORNEY MODICA: Objection to form.

21 THE WITNESS: He's waiting for an answer?

22 Q (By Attorney Mauch) Yes.

23 A No, it wouldn't have surprised me. There might
24 have been a discussion about that.

25 Q And -- I'm sorry, were you done?

1 A Yeah.

2 Q And just in terms of process, when your counsel
3 objects you still have an obligation to respond. At
4 times -- and I'll let you know immediately whether I'll
5 rephrase the question like I did once or twice.

6 A Okay.

7 Q Unless I say I'll rephrase it, you have an
8 obligation to answer.

9 A Got it.

10 Q That being said, Mr. LeVille, if you don't
11 understand a question, it's your obligation to tell me you
12 don't understand the question; understood?

13 A Understood. Thanks.

14 Q That makes it easier on both of us.

15 A Okay.

16 Q So moving down the last class, Class 30 -- and,
17 again, this is on page two of Exhibit 6 -- do you see it's
18 for salad dressings?

19 A Yes.

20 Q So at the time of the application, Nutritional
21 Excellence intended to use the mark on salad dressings?

22 A Yes.

23 Q But to this date had not actually used the mark
24 on salad dressings; is that correct?

25 A That is correct, yes.

1 against Nutritional Excellence?

2 A That is -- yes.

3 Q So if your attorneys needed to get documents they
4 would have to go to you, right, not -- are you aware of
5 them going to Nutritional Excellence to get documents?

6 A They would have come to me.

7 Q And tell me more about this assignment that
8 occurred in October of 2011 from Nutritional Excellence to
9 you?

10 A The company decided to transfer the ownership of
11 the trademarks to me; it's that simple.

12 Q And is Nutritional Excellence still an ongoing
13 company?

14 A Yes.

15 Q Still doing business?

16 A Yes.

17 Q Are you still -- do you still have a role with
18 Nutritional Excellence, LLC?

19 A Yes.

20 Q What's that role?

21 A CEO.

22 Q And the business that Nutritional Excellence is
23 involved in is the business that we talked about at some
24 length this morning, and that's the business of providing
25 these nutrition plans using these algorithms to score food,

1 and books, and clothing, et cetera that we talked about?
2 That's the business that Nutritional Excellence is doing
3 today; is that right?

4 A No. The first part, yes, the nutrition plans; we
5 have no books at this time.

6 Q I'm sorry, notebooks or no books?

7 A No books. We have no books at this time. We are
8 not marketing any books, we've never marketed T-shirts or
9 shirts, we're not selling anything like that, they were
10 giveaways, T-shirts and shirts, nothing but giveaways.

11 Q So the T-shirts and shirts with -- and the
12 sweatshirts, I think you said, with the mark on it were
13 always giveaways?

14 A Yes.

15 Q Never sold?

16 A We're not selling them now. We sold some prior
17 to that at immersions.

18 Q Okay. We'll talk more after -- more about the
19 immersion programs in a minute, but at those programs
20 clothing were sold with the mark on it?

21 A It wasn't customary, but everybody was giving
22 gifts. But if people wanted to buy additional ones, we
23 sold a couple here and there.

24 Q So Nutritional Excellence is only doing the
25 nutritional plans at this point, no books and no selling of

1 clothing?

2 A We have one small book -- we have one small book,
3 it's a little juice book.

4 Q So one juice book as far as in the books
5 category?

6 A One juice book, yeah. The -- I'm just trying to
7 think how we would classify -- we're not selling anything
8 else but that one juice book right now.

9 Q But you are selling these nutritional plans; is
10 that right?

11 A (Witness nods.)

12 ATTORNEY MODICA: You have to say --

13 THE WITNESS: Yes, I'm sorry.

14 Q (By Attorney Mauch) What else currently is
15 Nutritional Excellence selling along with the nutrition
16 plans and the juice book?

17 A Currently, membership to our website.

18 Q And anything else?

19 A No.

20 Q And the nutrition plans they -- they are marketed
21 with the Eat Right America mark; is that correct?

22 A Yes.

23 Q And the juice book, that's marketed with the Eat
24 Right America mark; correct?

25 A Yes.

1 Q And the website that you sell memberships to is
2 marketed with the Eat Right America mark; correct?

3 A Yes.

4 Q Now, can you explain for me -- I have a sense of
5 it, but can you explain for the record the distinction
6 between the nutrition plans that you sell and the
7 membership to the website that you sell?

8 A The nutrition plan is a personal eating plan,
9 condition specific eating plan. The website, it's a place
10 where people get information, articles, recipes. That's
11 it.

12 Q And I recognize that this might not always
13 happen, but is the business plan to have people that
14 subscribe to the nutrition plan to also subscribe to
15 membership to the website and vice versa?

16 A Yes.

17 Q And is the website Eat Right America dot com?

18 A Yes.

19 Q And that website is owned by Nutritional
20 Excellence?

21 A Yes.

22 Q And there's also Eat Right Cafe; is that right?

23 A There was.

24 Q So is it Eat Right Cafe or Eat Right America
25 Cafe?

1 supplemental.

2 Q (By Attorney Mauch) So we're looking here,
3 Mr. LeVille, at your response to interrogatory number 11 in
4 Exhibit 4. It's your supplemental response, and after
5 placing objections you state "Eat Right America had a
6 licensing agreement with Whole Foods;" do you see that?

7 A Yeah.

8 Q Is that consistent with your recollection?

9 A Yes.

10 Q And it also states that Nutritional Excellence
11 entered into a purchasing agreement with Whole Foods?

12 A Yes.

13 Q And that's consistent with your recollection;
14 right?

15 A Yes.

16 Q And pursuant to the agreement that you reached,
17 Whole Foods Market began using the Eat Right America mark
18 in its stores; is that correct?

19 A Yes, the December 9th agreement.

20 Q Correct. Thank you for that clarification. So
21 pursuant to the December 2009 agreement, tell me about
22 Whole Foods' Market use of the Eat Right America mark in
23 its stores.

24 A It appears on signage in the store for single
25 ingredient items.

1 Q And tell me what a single ingredient item is?
2 A Apple.
3 Q So I assume you mean more than just apples;
4 produce?
5 A Anything that's one ingredient.
6 Q Okay. So --
7 A Produce, fruits, vegetables, beans, nuts, seeds,
8 cheese, meat and fish.
9 Q Okay. So signage -- so in the areas where those
10 products you just named were being sold in Whole Foods
11 Market, there was signage that contained the Eat Right
12 America mark?
13 A In some cases, not all.
14 Q And at no time was the Eat Right America mark
15 used on any other food items?
16 A It was never used on a food item, it was only
17 used on the signage for the food item.
18 Q And only used on signage for single food
19 ingredient items; correct?
20 A Yes.
21 Q And you are not allowed to disclose the terms and
22 provisions of the December 2009 license agreement;
23 correct?
24 A That's correct.
25 Q And you're not allowed to do so -- let me

1 Q From Whole Foods?
2 A Yes.
3 Q And was the Eat Right America mark used in
4 connection with the Nutrition Prescription?
5 A Eat Right America mark was on the certificate.
6 Q So we've talked a lot about Whole Foods Market.
7 What other -- first I'll make it narrow. What other
8 supermarkets displayed the Eat Right America mark?
9 A No one.
10 Q What about other retailers?
11 A No one.
12
13 (Exhibit 21, Advertisement, marked for
14 identification.)
15
16 Q (By Attorney Mauch) So this is Exhibit 21.
17 Exhibit 21 is a printout of an advertisement that appeared
18 in Josephine Magazine that displays the Eat Right America
19 mark in connection with HV?
20 A I don't think so.
21 Q Do you know what HV is?
22 A It's a supermarket chain. This is one store.
23
24 (Off the record at 2:12 p.m.)
25 (On the record at 2:12 p.m.)

1 THE WITNESS: I don't know if I've seen
2 this exact -- I did know that they were going to place an
3 ad on our behalf in a supermarket in some kind of a
4 magazine -- what's it's called? You said you had the name
5 of the magazine?

6 Q (By Attorney Mauch) I believe it's Josephine,
7 with a P-H.

8 A Is it on here?

9 Q No. Well, let me make sure before I say that
10 correctly. It was a magazine ad and this was a full page
11 ad.

12 A So we had provided some copy to Sherry, and she's
13 a dietitian in one store and they placed this in a
14 magazine. I think your question was were we in any
15 supermarkets stores, and the answer is: I don't believe we
16 are. She's like -- well, never mind.

17 Q Anything else, Mr. LeVille?

18 A No.

19 Q So the Eat Right America mark has been used by
20 another supermarket besides Whole Foods?

21 A No. It's been used in a magazine, this is a
22 magazine ad. The supermarket is not using it, it better
23 not be, but I do not believe it's in their stores, it's not
24 in the advertising that the store runs. They have no
25 relationship with HV. This is one nutritionist who took

1 the program and said this is great. She does cooking
2 things and -- you know, she said I'd like to -- and I said
3 she can do it, but it's not a relationship with the company
4 itself.

5 I've never presented this to anybody in her
6 company but her. I spoke to her store manager one time. I
7 have allowed her employees in one store to look at the
8 program -- the Nutrition Prescription, but no meetings, no
9 presentations, no discussions of anything with that chain.
10 The chain has no authority, no license, no nothing. This
11 is it, this is in a magazine.

12 Q Okay. Let's move on. Any other retailers,
13 companies that you -- that have in any way used an Eat
14 Right America mark besides Whole Foods Market and HV?

15 A Not that I know of. Certainly not being paid any
16 money by anybody; that's for sure.

17 Q Okay. Not Wal-Mart, not --

18 A Oh, gosh, no, no.

19 Q Not Safeway?

20 A No.

21 Q Not Kroger?

22 A No, no, no.

23 Q So no as to Wal-Mart; correct?

24 A No as to Wal-Mart.

25 Q No as to Safeway?

1 A I have no idea what's going on. Did we offer
2 them for sale? Yes, I think we did.

3 Q Other than Shop NBC dot com or Shop NBC televised
4 program and Eat Right America dot com, were the food bars
5 offered for sale or as giveaways on any other website?

6 ATTORNEY MODICA: Objection to form.

7 THE WITNESS: I don't recall; I don't
8 believe so.

9 Q (By Attorney Mauch) Let's look at -- I'm going
10 to mark a new exhibit.

11
12 (Exhibit 23, Screen shot, marked for
13 identification.)

14
15 Q (By Attorney Mauch) In the bottom of Exhibit 23,
16 Mr. LeVille, you can see that this is from the Shop NBC dot
17 com website?

18 A Right.

19 Q And it shows the food bars for sale, and these
20 appear to be chocolate nutritarian bars; is that right?

21 A Yes.

22 Q Am I correct that there were chocolate bars, date
23 and nut bars, and apple cinnamon bars for sale?

24 A That sounds correct.

25 Q Any type of food bars that I'm missing?

1 A No, not that I can remember. No.

2 Q So those three different types of bars;

3 correct?

4 A I believe so. Chocolate, original, apple

5 cinnamon; those are the three you said?

6 Q Correct. And by "original," it's a date, nut

7 composite bar; right?

8 A Yes.

9 Q And it shows them being sold out?

10 A Okay. Yes.

11 ATTORNEY MODICA: Objection.

12 Q (By Attorney Mauch) It's purely what the

13 document says, it shows them being sold out; right?

14 ATTORNEY MODICA: Same objection.

15 Q (By Attorney Mauch) You can answer the question,

16 Mr. LeVille.

17 A Yes, I thought I did. I'm sorry, yes.

18 Q You understand the question, right, that where --

19 A Right. Where it says chocolate sold out, yes.

20 Q And here -- these are actually three documents,

21 so I guess we'll treat it as three separate exhibits.

22

23 (Exhibit 24, Screen shot, marked for

24 identification.)

25

1 (Exhibit 25, Screen shot, marked for
2 identification.)

3 (Exhibit 26, Screen shot, marked for
4 identification.)

5

6 Q (By Attorney Mauch) So Exhibits 24, 25, and 26
7 were produced by you in this proceeding. They bear the ERA
8 Bates stamp from ERA 77 on Exhibit 24 running through ERA
9 82 on Exhibit 26.

10 A Okay.

11 Q Do you know what these pages depict,
12 Mr. LeVille?

13 A They look like sales pages off the website.

14 Q And that's the Eat Right America website;
15 right?

16 A Yes.

17 Q Showing a price of \$14.95 for each of the bars;
18 correct?

19 A Right.

20 Q Let's go to Exhibit 27. Exhibit 27, Mr. LeVille,
21 is a screen shot that shows the Eat Right United Kingdom
22 dot com store from October 21, 2010.

23 A Okay.

24

25

1 (Exhibit 27, screen shot, marked for
2 identification.)
3

4 Q (By Attorney Mauch) Do you see that?

5 A Yes.

6 Q So if you look at the very top banner, this is a
7 screen shot from the existence of that page at that time;
8 okay?

9 A I'm sorry.

10 Q If you look at where it says one capture, and it
11 says 21 October 2010, and it has the Eat Right United
12 Kingdom dot com, slash, store domain name typed in; do you
13 see that?

14 A Yes.

15 Q And do you recognize this to be what the Eat
16 Right United Kingdom website looked like in or around
17 October 2010?

18 A I can actually tell you I never saw the Eat Right
19 America Kingdom website.

20 Q But that was controlled by Nutritional
21 Excellence; correct?

22 A Yes.

23 Q Owned by Nutritional Excellence?

24 A Yes.

25 Q And this shows various Eat Right America items

1 for sale; correct?

2 A Yes.

3 Q And among those items it shows the apple cinnamon
4 bars, the chocolate bars, and the original bars; right?

5 A Yes.

6 Q So it was also for sale on the Eat Right United
7 Kingdom website?

8 A I can see that it was; it shouldn't have been.
9 The websites are one and the same, they're identical, the
10 only difference is the URL and we would change the ounces
11 to grams.

12 Q Are you aware of the bars being for sale on Day
13 Three Ministries dot com, Mr. LeVille?

14 A Could have been; I don't remember.

15 Q And that was a website owned by Nutritional
16 Excellence?

17 A No. Well, no.

18 Q Day Three Ministries dot com was not owned by
19 Nutritional Excellence?

20 A No.

21 Q Has it ever been owned by Nutritional
22 Excellence?

23 A No.

24 Q Is it owned by you, individually?

25 A Yes.

1 Q Always owned by you, individually?

2 A Yes.

3 Q And do you have any recollection of offering the
4 Eat Right America food bars for sale by websites owned by
5 you?

6 A I have no recollection.

7 Q But it could have been?

8 A Could have been.

9 Q Besides the online sales or offers for sale that
10 we discussed, and the retailers we discussed, any other
11 trade channels, marketing channels marketing in any way the
12 Eat Right America food product?

13 A The company had affiliates, but I didn't do
14 anything with them. We had marketing people who were
15 responsible for this, so things may have happened that I
16 just don't know about.

17 Q And describe for me the Eat Right America
18 affiliates; what does that mean?

19 A There are websites that will send people to your
20 website in return for a commission, and it's just the
21 way -- the way the whole industry works. That's the way
22 the web industry works. If somebody sells something, you
23 have affiliates who will send people to your website to buy
24 something and then they get paid a commission; companies
25 have hundreds of them.

1 So what they're doing, what they promote, I have
2 no idea, it wasn't my responsibility. I have people in my
3 company who were working with signing up affiliates. I
4 have no idea what they were promoting, what pages on my
5 website they were sending people to.

6 Q So there are a lot of mixed pronouns there. The
7 website's owned by Nutritional Excellence, right, not by
8 you?

9 A The website was owned by Nutritional
10 Excellence.

11 Q Okay.

12 A Eat Right America's website.

13 Q Correct. That's what we're referring to, right,
14 Eat Right America dot com?

15 A Yes.

16 Q And as part of its business it was marketing Eat
17 Right America products, books, nutrition plans, food bars
18 in various marketing channels; correct?

19 A Yes.

20 Q And we talked about Whole Foods and HV, and we
21 talked about Shop NBC dot com, Eat Right America dot com
22 that you know of, and Eat Right United Kingdom dot com that
23 you know of; are there any spaces, channels that Eat Right
24 America mark has been marketed by Nutritional Excellence?

25 ATTORNEY MODICA: Objection to form.

1 THE WITNESS: We have corporations that use
2 our program. There are health websites that would promote
3 our program. Corporations, websites, health websites, you
4 know, and that's about it. That's all I can think of
5 right now.

6 Q (By Attorney Mauch) And, to your knowledge, did
7 any of those corporations, health groups ever market food
8 products bearing the Eat Right America mark? And I used
9 the word market for expansively offer for sale, giveaway --
10 did they giveaway food that had the Eat Right America mark
11 on it?

12 ATTORNEY MODICA: Object to the form.

13 THE WITNESS: Honestly, I can't remember.
14 I honestly can't remember. It was such a meaningless part
15 of our business, I can't remember.

16 Q (By Attorney Mauch) I want to switch gears a
17 little bit. We talked before lunch about Nutritional
18 Excellence in its current form, no longer including
19 Dr. Fuhrman, selling website membership, selling the
20 nutrition plan, selling the juice book; what are -- is that
21 correct, that summary?

22 A Yes.

23 Q Does Nutritional Excellence now have plans to use
24 the Eat Right America mark on food products?

25 A That's why I'm applying for the mark.

1 A I can't discuss that.

2 Q You can't discuss Eat Right -- Nutritional
3 Excellence's plan to use Eat Right America mark with Whole
4 Foods in the future?

5 A Oh, you spoke of some other things. I have no
6 plan on using it in Whole Foods. Is that the question?
7 Let's go back, I'm sorry.

8 Q I don't think we're on the same page.

9 A No, were not. I'm confused. I apologize.

10 Q What I'm trying to understand is the use of the
11 Eat Right America mark by Nutritional Excellence in the
12 future?

13 A Okay.

14 Q Okay. What are the current plans to use the Eat
15 Right America mark from today onwards?

16 ATTORNEY MODICA: By Nutritional
17 Excellence.

18 Q (By Attorney Mauch) By Nutritional Excellence.

19 A Okay. Well, I think that some of that may
20 determine what comes out of this opposition. We will
21 continue to use it on our website, we will continue to use
22 it on the nutrition prescription program. Those are the
23 keys, books, you know, at some point food supplements,
24 T-shirts.

25 Q And how about the use of the Eat Right America

1 mark by you, individually, Kevin LeVille, the owner of the
2 mark; what are your plans for the future?

3 A I have no plans.

4 Q Well, will any use of the mark be made only by
5 Nutritional Excellence?

6 A No.

7 Q So you reserve the right to use the mark in other
8 formats?

9 A Absolutely, yes.

10 Q How about use of the Eat Right America mark by
11 either you, individually, or Nutritional Excellence in --
12 with Safeway; any current plans for any business
13 arrangements with Safeway?

14 A No.

15 Q By either you or Nutritional Excellence?

16 A None.

17 Q You're not aware of Safeway using the Eat Right
18 America mark in any way?

19 A No.

20 Q Have you had -- you testified earlier that you
21 had some prior -- you testified earlier that there were
22 prior proposals with Safeway back in the earlier days,
23 Nutra Meals, LLC days, was there a prior relationship with
24 Safeway?

25 A No.

1 discussions with her regarding this particular application
2 36 for Eat Right as one word?

3 A No, I really don't remember a conversation
4 regarding this. I was at the immersion; you have no idea
5 how busy I am that week. So no, I don't remember any
6 conversation.

7 Q Okay. Putting aside any communication with
8 counsel, do you have any plans to use this applied for mark
9 on the applied for goods and services? And the first
10 question is you, personally, Kevin LeVille?

11 A Current plans?

12 Q Yeah.

13 A I don't know how to answer that. No.

14 Q Are you currently using this mark on any goods or
15 services listed on this application?

16 A Not to my knowledge. Eat Right always appear
17 with the name -- the word America.

18 Q Or with some other location indicated; correct?

19 A Exactly. Thank you.

20 Q Eat Right Canada?

21 A Eat Right Canada.

22 Q Let's go through them real quick. You have Eat
23 Right Canada; correct?

24 A Yeah, these were created for Whole Foods. They
25 had places in other countries, so at the last minute we

1 thought up Eat Right United Kingdom and Eat Right Canada.

2 Q Is there an Eat Right Europe?

3 A I don't believe so, no.

4 Q So it's your testimony that any use by you or
5 Nutritional Excellence of the Eat Right America mark is all
6 with Eat Right plus a location of the carrier?

7 A Or a company. It could be a company, it could be
8 a church.

9 Q So Eat Right IBM?

10 A Eat Right Indiana. Yes. I have no plans to use
11 it as a standalone.

12 Q No plans to actually use this mark in commerce?

13 A Actually, I thought it was dropped, this
14 application. I thought somebody had said something to me.
15 I'm not sure.

16 Q Are you aware of anything being filed to abandon
17 this application?

18 A No, no. I am not, no.

19 Q Let's turn to --

20 A Books, magazines, I'm sorry. Okay.

21 Q Let's turn to the next one, 37. This application
22 is for Eat Right Cafe?

23 A That's correct.

24 Q And the goods and services listed are for
25 personal nutrition health services, social network

1 question. Honest to God, if it's public information then
2 it's not an issue.

3 ATTORNEY MODICA: I don't think it's an
4 issue.

5 THE WITNESS: Yes.

6 Q (By Attorney Mauch) So tell me about the plan to
7 use the ERNI score by you or by Nutritional Excellence.

8 ATTORNEY MODICA: ERNI score or the ERNI
9 mark?

10 ATTORNEY MAUCH: It's a fair objection.
11 We're talking about the ERNI mark.

12 THE WITNESS: Right. ERNI is just the name
13 we plan on giving to our list of food scores.

14 Q (By Attorney Mauch) And has an ERNI mark been
15 used on actual food scores?

16 A We have a database. We created a database for
17 food scores. It's not been put anywhere. I don't even
18 know if it's on the website yet. So the answer to your
19 question is I don't believe so, but unlike these I do have
20 plans to use that.

21 Q So internally the ERNI scores have been assigned
22 to foods, they just haven't been made public; is that how I
23 understand your testimony?

24 A Yes, we scored a database on foods.

25 Q Okay. So let's look at Exhibit 4, the

1 that relates to ERNI scores. It states they have not been
2 provided for any product?

3 A Correct.

4 Q Okay. So the distinction you're drawing is that
5 they have been scored internally, but have not been
6 provided to external users?

7 A Actually, at the time of this -- that's why I
8 immediately went and said okay, that makes sense, we hadn't
9 even scored them.

10 Q So they just been scored in the last couple
11 weeks?

12 A Yes, and it's not final. We haven't finalized
13 our algorithm.

14 Q Let's look at Exhibit 40.

15

16 (Exhibit 40, Screen shot, marked for
17 identification.)

18

19 Q (By Attorney Mauch) Exhibit 40 is a screen shot
20 from the Eat Right America dot com website. Do you
21 recognize this web page?

22 A No.

23 Q Mr. LeVille?

24 A No.

25 Q It's entitled ERNI nutrient scores.

1 A Right.

2 Q And then towards the bottom of the first page it
3 says a sample Eat Right America's ERNI nutrient density
4 scores and then there's a three columns that depict scores
5 for various food items; correct?

6 A Correct.

7 Q So can you explain why there's a page on the
8 website that has ERNI scores?

9 A Yes. First of all, I wasn't aware that it was
10 up, so Chris is doing his job. Second, if you look at --
11 somewhere in here. If you look at those scores, those are
12 nothing but the ANDI scores divided by ten. The ANDI was
13 zero to a thousand, these are zero to a hundred. So all we
14 did was take the original ANDI scores and divide them by
15 ten. So we have not scored a database, and that is --
16 that's a fact.

17 So if we took this and threw it against --
18 because there was a web page where you showed ANDI
19 scores -- I think those same three columns, I think you'd
20 see three columns should be identical, and the scores here
21 just one tenth of those.

22 For the purposes of putting a page up on our
23 website, obviously Chris put up a page that had ERNI, and
24 it looks like all he did was -- because we had discussed
25 going from a zero to a thousand to a zero to a hundred so

1 there wouldn't be any confusion with Whole Foods. He took
2 the scores and just divided them, so we haven't -- we have
3 not finalized the ANDI -- excuse me, we haven't finalized
4 the -- any database. Can you tell me when this was taken
5 off our website?

6 Q Within the last couple days. Actually, I take
7 that back; previous to that, over a week ago.

8 A Okay. Maybe.

9 Q No, I'm actually quite certain it was more than a
10 few days ago.

11 A Okay. That's fine. I wasn't aware this was up,
12 but we have not scored a database using any new algorithm,
13 we just took the old scores and changed the index on it.
14 You can actually go and -- you should be able to -- if I'm
15 correct in what he did here, you should be able to go right
16 down the line, you'll see that was all that was done.

17 Q So will ultimately the ERNI scores have a -- is
18 the actual algorithm going to be used to generate new
19 scores, or would they just be derivative of the ANDI
20 scores?

21 A No, we will change these scores.

22 Q So these aren't really ERNI scores right now?

23 A They are now. That's the ERNI score now. Like I
24 said a long time ago, these algorithms -- it's an art;
25 nobody's right, nobody's wrong, and nobody's ever going to

1 stick with it. Every day there's new research. As new
2 research comes out it's easy to go in there and look at
3 ORAC and say ORAC is health -- do you know what ORAC is?

4 Q No.

5 A It's how foods create oxygen within the body
6 which is fabulous for people who want to beat inflammation
7 which is killing us all. And so if a new ORAC study comes
8 out that says ORAC is twice as valuable as we thought
9 yesterday, then we'll go back in and we'll tweak the ORAC
10 score and the next thing you know it all changes.

11 Q But you just testified that these scores here are
12 just ANDI scores divided by ten; right?

13 A That's exactly right. That's right. Some day
14 we'll finalize an algorithm for ERNI, but for the time
15 being it -- I just took the -- it looks -- from looking at
16 it that's what I believe he did, because I'm looking at
17 certain scores that I know of ANDI and I'm saying that's
18 one-tenth of that.

19 Q And the "he" you're describing is Chris?

20 A He's my technical guy.

21 Q And what's his last name?

22 A Meredith, M-e-r-e-d-i-t-h.

23 Q And he's an employee or contract worker?

24 A Contract worker.

25 Q For Nutritional Excellence?

1 A Yes.

2 Q So let's turn to --

3 A The page even says zero to a thousand back here.
4 He took the old page and just changed the food scores to
5 throw something up on the website. That's all he did.

6 Q The old copy and paste?

7 A Yeah, exactly.

8
9 (Exhibit 41, Affidavit, marked for
10 identification.)

11
12 Q (By Attorney Mauch) This is now Exhibit 41.
13 Take a minute and familiarize yourself with this exhibit,
14 Mr. LeVille.

15 A Okay. Without me reading the entire thing.

16 Q Exhibit 41 is a document entitled affidavit of
17 Kevin J. LeVille, support of a motion of prejudgment
18 remedy. It's a pleading filed in the US District Court,
19 District of Connecticut. Do you recall this affidavit,
20 Mr. LeVille?

21 A Yes.

22 Q Tell me about the circumstances of filing this
23 affidavit?

24 A There was a company, EYC, and EYC and Kevin
25 LeVille were supposed to be working together on Safeway,

1 wouldn't surprise you?

2 A No.

3 Q And then in paragraph 50 on the next page, last
4 page of this section "I have attended all of the Whole
5 Foods immersions with Dr. Fuhrman. At the immersions
6 Dr. Fuhrman has promoted Dr. Fuhrman Foods to Whole Foods
7 immersion participants by displaying his products on the
8 buffet during the immersion." So Dr. Fuhrman products were
9 displayed at the immersions?

10 A Yes.

11 Q Were Dr. Fuhrman products ever marketed with the
12 Eat Right America mark?

13 A I don't believe so, no.

14 Q Let's take a look at...

15

16 (Exhibit 44, Screen shot, marked for
17 identification.)

18

19 Q (By Attorney Mauch) This is Exhibit 44. This is
20 a screen shot from Shop NBC dot com for Eat Right America
21 MatoZest; do you see that, Mr. LeVillie?

22 A I see that heading, yes.

23 Q Were you aware that Shop NBC was marketing the
24 MatoZest as an Eat Right America product?

25 A I don't recall this, but it's clear it's not a

1 Eat Right America product, it's a Dr. Fuhrman Food.

2 Q And are you aware Dr. Fuhrman Foods are being --
3 are there Dr. Fuhrman Foods being sold on Shop NBC dot
4 com?

5 A I believe the salad dressings were part of one --
6 the one promotion we did.

7 Q You say "we." Nutritional Excellence was
8 promoting or marketing Dr. Fuhrman's Foods, as well?

9 A We would sell -- we were like an affiliate. We
10 would sell Dr. Fuhrman's Foods. So if someone wanted to
11 click from our website to go to his to buy it, we would get
12 paid a commission.

13 Q And just to be clear, the we is Nutritional
14 Excellence?

15 A Nutritional Excellence, yes.

16 Q Let's take a look at the service agreement,
17 license agreement, whatever you want to call it. Let's
18 start on section 1.3, so it's going to be, I guess, the
19 first page of the Exhibit. 1.3 entitled reports. It says
20 "Company will prepare and furnish WFM -- which is defined
21 as Whole Foods Market -- upon request or as otherwise
22 required by the schedule, but not more frequently than
23 biweekly reports regarding the usage of the services.
24 Company will notify WFM promptly of any factor, occurrence,
25 or event that may affect company's ability to perform."

1 to get other marks; I said we scrambled to put up two
2 websites.

3 Q (By Attorney Mauch) So the websites were Eat
4 Right United Kingdom and Eat Right Canada; right?

5 A Yes.

6 Q Have you seen signage in Whole Foods stores in
7 countries other than the United States that includes the
8 Eat Right mark with the location name?

9 A No.

10 Q Are you aware of such signs being in existence?

11 A Yes.

12 Q So Whole Foods told you they were going to do
13 this in other countries such as Eat Right Canada and Eat
14 Right United Kingdom?

15 A Yes.

16 Q Take a look at Exhibit 45, it's three photos and
17 these photos depict signage displaying the Health Starts
18 Here and the ANDI score with Eat Right Canada mark; do you
19 see that, Mr. LeVille?

20 A Yes.

21

22 (Exhibit 45, Photographs, marked for
23 identification.)

24

25 Q (By Attorney Mauch) So am I correct that this

1 comports with your understanding of what Whole Foods Market
2 was allowed to do, but you've never actually seen these
3 signs before?

4 A That's correct.

5 Q And the first photo is a display for books and
6 other nutritional information by Eat Right; correct?

7 A Yes.

8 Q And the second is for spinach, correct, the
9 second photo?

10 A Yes.

11 Q And it has, again, the Eat Right Canada mark on
12 it?

13 A Right.

14 Q And then the third and final photo is a prepared
15 salmon dish; correct?

16 A Salmon.

17 Q Salmon with some lemon, and it looks like some
18 sort of dill or other herb on it; right?

19 A Yes.

20 Q And Eat Right Canada and ANDI score; correct?

21 A Yes.

22 Q Do you have any reason to believe that these
23 photos don't accurately depict the signage in the Whole
24 Foods store in Canada?

25 A No.

1 Q Okay. Let's move to the very last topic and
2 we'll be done. You're aware of an occurrence of confusion
3 between Eat Right Foods, LTD and Nutritional Excellence
4 related to the Eat Right America mark by Whole Foods;
5 correct?

6 ATTORNEY MODICA: Objection to form.

7 THE WITNESS: What confusion are you
8 talking about?

9 Q (By Attorney Mauch) That there was a Whole Foods
10 invoice that was sent to Eat Right America. A Whole Foods
11 invoice for Eat Right America was sent to Eat Right Foods
12 as opposed to Nutritional Excellence; were you aware of
13 that happening?

14 A I heard that.

15 Q And you have an interrogatory response, Exhibit 4
16 -- I'm sorry 3, initial responses. Interrogatory 22 says,
17 "Explain in detail any instance of confusion from retailers
18 between Eat Right America mark and the Eat Right marks."
19 And your response states "After stating objections subject
20 to and without waving these objections, applicant states
21 that in or around fall of 2010 a check for approximately
22 \$35 was sent to Eat Right Foods for the cost of certain
23 books purchased from Eat Right America;" do you see that?

24 A Yes.

25 Q That comports with your understanding that Whole

1 Foods Market was trying to send you -- trying to send
2 Nutritional Excellence a check, but instead that check was
3 sent to Eat Right Foods, Limited?

4 A Yes.

5 Q And are you aware of any other confusion between
6 my client's company and your company?

7 ATTORNEY MODICA: Objection to form.

8 THE WITNESS: I'm not even sure if this was
9 that confusing, but no.

10 Q (By Attorney Mauch) Do you know of any other
11 reason why Whole Foods would have sent a check to Eat Right
12 Foods and my client as opposed to Nutritional Excellence?

13 A Stupidity.

14 Q But it was because of the Eat Right America
15 mark?

16 ATTORNEY MODICA: Is that a question?

17 Q (By Attorney Mauch) What's your understanding of
18 why Whole Foods --

19 A I have no idea.

20 ATTORNEY MODICA: Hold on.

21 THE WITNESS: I'm sorry.

22 Q (By Attorney Mauch) What's your understanding of
23 why Whole Foods sent the check to my client as opposed to
24 Nutritional Excellence?

25 A I don't know.

1 Q Do you have any idea?

2 A I never spoke to anyone.

3 Q I'm asking for your understanding; any idea?

4 A No.

5 Q Are you aware of any customers ever confusing

6 Nutritional Excellence's products with the Eat Right

7 America mark and products marketed and sold by my client?

8 A No.

9 Q I think I have no further questions. Let me just

10 go off the record for one minute and double check and I

11 think we'll be done.

12 A Okay.

13

14 (Off the record at 4:55 p.m.)

15 (On the record at 4:55 p.m.)

16

17 Q (By Attorney Mauch) I've got one question on

18 confusion and then we're done. Mr. LeVille, are you aware

19 of Whole Foods Market ever accidentally using Eat Right Foods

20 products in their -- in a promotion related to Health

21 Starts Here program instead of Nutritional Excellence

22 products?

23 ATTORNEY MODICA: Objection to form.

24 THE WITNESS: No, not aware of anything.

25 ATTORNEY MAUCH: No further questions.

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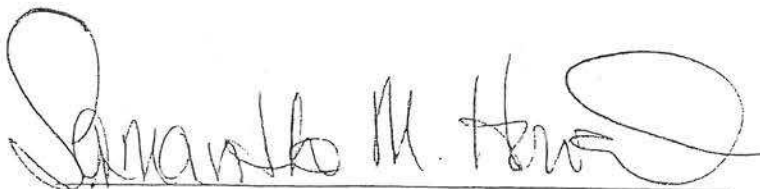
C E R T I F I C A T I O N

STATE OF CONNECTICUT)
COUNTY OF HARTFORD)

I, SAMANTHA M. HOWELL, a Notary Public duly
commissioned and qualified in and for the State of
Connecticut, do hereby certify that pursuant to Attorney
Mauch there came before me on the 16th of May, 2012, the
following named person, to wit: KEVIN LEVILLE, who was
previously duly sworn to testify to the truth and nothing
but the truth; that he was thereupon examined upon his
oath; that the examination was reduced to writing by
computer under my supervision and that this transcript is a
true record of the testimony given by said witness.

I further certify that I am neither attorney nor
counsel for, nor related to, nor employed by any of the
parties to the action in which this deposition was taken,
and further, that I am not a relative or employee of any
attorney or counsel employed by the parties hereto, or
financially interested in the outcome of this action.

In witness whereof I have hereunto set my hand
this 30th day of May, 2012.



SAMANTHA M. HOWELL-NOTARY PUBLIC

The first part of the paper discusses the importance of the research and the objectives of the study. It then proceeds to a literature review, followed by a description of the methodology used. The results of the study are presented in the next section, followed by a discussion of the findings and their implications. The paper concludes with a summary of the main points and a list of references.

The research was conducted in a laboratory setting, using a series of experiments to measure the effects of different factors on the system. The results show that the system is highly sensitive to changes in the input parameters, and that the output is highly variable. This suggests that the system is not very robust, and that it may be difficult to control in a practical setting.

The findings of the study have several implications for the design and control of the system. First, it is important to carefully select the input parameters, as small changes can have a large effect on the output. Second, the system should be designed to be as robust as possible, to minimize the effects of variability. Finally, the control system should be designed to be able to handle the variability in the output, and to adjust the input parameters accordingly.

The paper is organized as follows. Section 1 introduces the research and its objectives. Section 2 provides a literature review. Section 3 describes the methodology. Section 4 presents the results. Section 5 discusses the findings and their implications. Section 6 concludes the paper.

Trademark/Service Mark Application, Principal Register

Serial Number: 77868068

Filing Date: 11/09/2009

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77868068
MARK INFORMATION	
*MARK	EAT RIGHT AMERICA
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	EAT RIGHT AMERICA
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Nutritional Excellence, LLC
*STREET	76 Nubel Lane
*CITY	New Canaan
*STATE (Required for U.S. applicants)	Connecticut
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	06840
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Connecticut
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	005

*IDENTIFICATION	PHARMACEUTICAL PREPARATIONS, NUTRITIONAL SUPPLEMENTS, DIETARY SUPPLEMENTS, HERBAL SUPPLEMENTS, HOMEOPATHIC SUPPLEMENTS, MINERAL SUPPLEMENTS, MULTI-VITAMINS, AND NUTRACEUTICALS FOR USE AS A DIETARY SUPPLEMENT
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	016
*IDENTIFICATION	SERIES OF BOOKS IN THE FIELDS OF HEALTH, NUTRITION AND LIFESTYLE WELLNESS
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	025
*IDENTIFICATION	CLOTHING
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	029
*IDENTIFICATION	FROZEN, PREPARED AND PACKAGED VEGETABLE-BASED ENTREES; FROZEN FRUITS AND VEGETABLES; FRUIT AND NUT BASED SNACKS; AND SOUPS
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	030
*IDENTIFICATION	SALAD DRESSINGS
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
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FAX	215.299.2150
EMAIL ADDRESS	tfall@foxrothschild.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	5
FEE PER CLASS	325
*TOTAL FEE DUE	1625
*TOTAL FEE PAID	1625
SIGNATURE INFORMATION	
SIGNATURE	/Kevin Leville/
SIGNATORY'S NAME	Kevin Leville
SIGNATORY'S POSITION	Chief Executive Officer
DATE SIGNED	11/09/2009

Trademark/Service Mark Application, Principal Register

Serial Number: 77868068

Filing Date: 11/09/2009

To the Commissioner for Trademarks:

MARK: EAT RIGHT AMERICA (Standard Characters, see mark)

The literal element of the mark consists of EAT RIGHT AMERICA.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Nutritional Excellence, LLC, a limited liability company legally organized under the laws of Connecticut, having an address of

76 Nubel Lane

New Canaan, Connecticut 06840

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 005: PHARMACEUTICAL PREPARATIONS, NUTRITIONAL SUPPLEMENTS, DIETARY SUPPLEMENTS, HERBAL SUPPLEMENTS, HOMEOPATHIC SUPPLEMENTS, MINERAL SUPPLEMENTS, MULTI-VITAMINS, AND NUTRACEUTICALS FOR USE AS A DIETARY SUPPLEMENT

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 016: SERIES OF BOOKS IN THE FIELDS OF HEALTH, NUTRITION AND LIFESTYLE WELLNESS

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 025: CLOTHING

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 029: FROZEN, PREPARED AND PACKAGED VEGETABLE-BASED ENTREES; FROZEN FRUITS AND VEGETABLES; FRUIT AND NUT BASED SNACKS; AND SOUPS

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 030: SALAD DRESSINGS

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Tristram R. Fall, III, Esquire and Mark G. McCreary, Esquire, Lindette C. Hassan, Esquire, and Edward L. Brant, Esquire of Fox Rothschild LLP

Tenth Floor
2000 Market Street
Philadelphia, Pennsylvania 19103
United States

The attorney docket/reference number is NEL-0040.

The applicant's current Correspondence Information:

Tristram R. Fall, III, Esquire
Fox Rothschild LLP
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215.299.2016(phone)
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tfall@foxrothschild.com (authorized)

A fee payment in the amount of \$1625 has been submitted with the application, representing payment for 5 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Kevin Leville/ Date Signed: 11/09/2009

Signatory's Name: Kevin Leville

Signatory's Position: Chief Executive Officer

RAM Sale Number: 8636

RAM Accounting Date: 11/09/2009

Serial Number: 77868068

Internet Transmission Date: Mon Nov 09 12:24:28 EST 2009

TEAS Stamp: USPTO/BAS-38.115.17.66-20091109122428963

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302093-CC-8636-20091109121326570796

EAT RIGHT AMERICA

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

101

The first part of the paper discusses the importance of understanding the local context in which a project is implemented. This involves a thorough analysis of the social, cultural, and economic factors that may influence the success or failure of the intervention. The second part of the paper describes the methodology used in the study, which includes a combination of qualitative and quantitative approaches. The third part of the paper presents the findings of the study, which show that the intervention had a positive impact on the target population. The final part of the paper discusses the implications of the findings for future research and practice.

The study was conducted in a rural area of a developing country, where the majority of the population is engaged in agriculture. The intervention was designed to improve the livelihoods of the target population by providing them with access to credit and technical assistance. The results of the study show that the intervention was successful in achieving its objectives, and that the target population was able to improve their living standards as a result of the intervention.

The findings of the study have important implications for the design and implementation of similar interventions in other rural areas. First, it is important to understand the local context in which the intervention is being implemented. This involves a thorough analysis of the social, cultural, and economic factors that may influence the success or failure of the intervention. Second, it is important to use a combination of qualitative and quantitative approaches to collect data. This will allow researchers to gain a more comprehensive understanding of the impact of the intervention. Finally, it is important to monitor and evaluate the impact of the intervention regularly. This will allow researchers to identify any problems early on and make adjustments to the intervention as needed.

In conclusion, the study shows that the intervention had a positive impact on the target population. The findings of the study have important implications for the design and implementation of similar interventions in other rural areas. It is important to understand the local context in which the intervention is being implemented, to use a combination of qualitative and quantitative approaches to collect data, and to monitor and evaluate the impact of the intervention regularly.

EXHIBIT 21
 WITNESS Leville
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EAT RIGHT FOR LIFE

Lose Weight and Keep It Off!

- Get Off Your Meds • Have More Energy
- Produce Healthier Kids

Introducing the **FREE** Eat Right America Cafe—
 a condition-specific coaching social network.



You will receive a **FREE** nutrition plan, recipes
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 of like-minded people with similar needs.



For more information
 concerning Eat Right America,
 please contact Sheri Caldwell,
 Hy-Vee Store Dietitian.

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Eat Right America Snack Bars - 15 Count - C62270



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PRODUCT REVIEWS

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DEFT. PAGES

The first part of the paper discusses the importance of the research and the objectives of the study. It then presents a literature review of the existing research on the topic. The next section describes the methodology used in the study, including the data sources and the statistical techniques employed. The results of the study are then presented, followed by a discussion of the findings and their implications. The paper concludes with a summary of the main points and a list of references.

The research was conducted using a quantitative approach, with data collected from a large sample of participants. The results show a significant positive correlation between the variables studied, which is consistent with the findings of previous research. The study also identified some limitations and areas for future research.

In conclusion, the study provides valuable insights into the relationship between the variables and has important implications for practice and policy. Further research is needed to explore the underlying mechanisms and to test the findings in different contexts.

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Original Date and Nut Bars

☒ Price: \$14.95

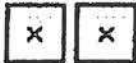


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BEHMKKE REPORTING AND VIDEO SERVICES, INC.

A delicious and healthy bar made from dates, nuts and seeds.

Box includes:

15 bars - 40 grams per bar

BENEFITS:

The Eat Right America Program is one of the nation's most "personalized" weight management programs. Developed over the past twenty-years by one of the world's most well know physicians, The program has produced unprecedented results. A 2008 Published Peer Review in Alternative T produced an average weight loss of 38lbs in 18 months. Based on a universally accepted philosophy, the Eat Right America Program is designed to meet the needs of an undernourished nation.

According to the USDA, despite all of our over-eating, the vast majority of Americans do not get the requirement of nutrients. A combination of over-eating, food and sugar cravings and find it hard to keep it off. Therefore, it only makes sense that a properly nourished body will seek its ideal weight. Fruits, nuts and seeds are an important part of the Eat Right America lifestyle, so they have developed a healthy bar made from dates, nuts and seeds.

CONFIDENTIAL

ERA000077

HOW TO USE:

Two a day will give the proper balance of nuts each day.

INGREDIENTS:

Original: Dates, Cashew, Almonds, Sunflower Seeds, Walnuts, High Oleic Sunflower Oil, Organic
May also contain traces of: Peanuts, Wheat, Egg, Milk

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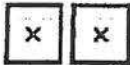
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Chocolate Flavored Date and Nut Bars

☒ Price: \$14.95



Chocolate flavoured bar - delicious and healthy bar made from dates, nuts and seeds.

Box includes:

15 bars - 40 grams per bar

BENEFITS:

The Eat Right America Program is one of the nation's most "personalized" weight management programs. Developed over the past twenty-years by one of the world's most well know physicians, The program has produced unprecedented results. A 2008 Published Peer Review in Alternative T produced an average weight loss of 38lbs in 18 months. Based on a universally accepted philosophy of eating, the Eat Right America Program is designed to meet the needs of an undernourished nation.

According to the USDA, despite all of our over-eating, the vast majority of Americans do not get the requirement of nutrients. A combination of over-eating, food and sugar cravings and find it hard to keep it off. Therefore, it only makes sense that a properly nourished body will seek its ideal weight. Fruits, nuts and seeds are an important part of the Eat Right America lifestyle, so they have developed a healthy bar made from dates, nuts and seeds.

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ERA000079

HOW TO USE:

Two a day will give the proper balance of nuts each day.

INGREDIENTS:

Chocolate: Dates, Cashews, Cocoa Powder, Almonds, Sunflower Seeds, Walnuts, High Oleic Sunflower Oil, Organic Flax Seeds.

May also contain traces of: Peanuts, Wheat, Egg, Milk .

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The first part of the paper discusses the importance of understanding the local context in which a project is implemented. This includes a thorough analysis of the social, economic, and cultural factors that may influence the success or failure of the intervention. The second part of the paper presents a detailed description of the project itself, including its objectives, activities, and the resources that were mobilized to implement it. The third part of the paper discusses the challenges that were encountered during the implementation of the project, and the strategies that were used to overcome these challenges. The fourth part of the paper presents the findings of the evaluation, and discusses the implications of these findings for the future of the project and for other projects in the same field.

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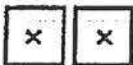
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Apple Cinnamon Flavored Date and Nut Bars

☒ Price: \$14.95



An Apple Cinnamon flavoured bar - delicious and healthy bar made from dates, nuts and seeds.

Box includes:

15 bars - 40 grams per bar

BENEFITS:

The Eat Right America Program is one of the nation's most "personalized" weight management an programs. Developed over the past twenty-years by one of the world's most well know physicians, The program has produced unprecedented results. A 2008 Published Peer Review in Alternative T produced an average weight loss of 38lbs in 18 months. Based on a universally accepted philosoph eat, the Eat Right America Program is designed to meet the needs of an undernourished nation.

According to the USDA, despite all of our over-eating, the vast majority of Americans do not get t requirement of nutrients. A combination of over-eating, food and sugar cravings and find it hard tc keep it off. Therefore, it only makes sense that a properly nourished body will seek its ideal weigh fruits, nuts and seeds are an important part of the Eat Right America lifestyle, so they have develop healthy bar made from dates, nuts and seeds.

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ERA000081

HOW TO USE:

Two a day will give the proper balance of nuts each day.

INGREDIENTS:

Apple Cinnamon: Dates, Cashew, Apple, Almonds, Sunflower Seeds, Walnuts, High Oleic Sunfl Cinnamon, Organic Flax Seeds.

May also contain traces of: Peanuts, Wheat, Egg, Milk.

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☐ [Nutrition Prescription Handbook - Combo](#)

Based on a comprehensive 15-minute survey conducted by Dr. Fuhrman, the Nutrition Prescription will provide a personalized nutritional assessment and eating plan, 28 days of personalized emails as well as access to ERA's Membership Website, free for 60 days. You will also receive the Nutritarian Handbook - A Complete Program and Food Scoring Guide designed to deliver maximum weight loss and superior health.

\$19.95

☐ [Nutritarian Handbook](#)

A Complete Program and Food Scoring Guide designed to deliver maximum weight loss and superior health. This Handbook introduces the reader to all key concepts about being a Nutritarian – someone who naturally prefers the most nutritious foods for the body.

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An Apple Cinnamon flavoured bar - delicious and healthy bar made from dates, nuts and seeds includes: 15 bars - 40 grams per bar.

\$5.95

☐ [Chocolate Flavored Date and Nut Bars](#)

Chocolate flavoured bar - delicious and healthy bar made from dates, nuts and seeds, includes: 15 bars - 40 grams per bar.

\$5.95

☐ [Original Date and Nut Bars](#)

A delicious and healthy bar made from dates, nuts and seeds, includes: 15 bars - 40 grams per bar.

\$5.95

☐ [Eat For Health 2 Book Set](#)

Book One – The Mind Makeover gives you the essential steps for sustainable success and,
Book Two – The Body Makeover includes eating plans and hundreds of delicious recipes to keep you on track.

\$29.95

☐ [Eat for Health Audio CD](#)

A six-CD series for the car or home. Read by program developer and author Dr. Joel Fuhrman, The Mind Makeover principles come to life with his personal insight.

\$24.95

☐ [Eating Like a Nutritarian DVD](#)

Dr. Joel Fuhrman presents the program's 10 Basic Principles. Plus, he takes you on a virtual trip to the grocery store – teaching you how to shop and eat your way to optimal health and lasting weight loss.

\$19.95

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<input type="checkbox"/> Daily Nutritarian Food Pyramid Magnet	\$1.94
The Daily Nutritarian Food Pyramid visually shows all the key foods you should eat for great health; put it up on your refrigerator as a daily reminder to stay on course. The magnet also contains the top 30 foods that should be part of your shopping list and eating plan.	<input type="checkbox"/>
<input type="checkbox"/> Lose Fat Fast DVD	\$19.95
<i>Lose Fat Fast</i> stimulates your metabolism by building lean muscle mass. The Abs Workout will give you the sexy curves you've always wanted. For those who want an extra challenge, try our bonus Dance Tone workout, a fun and easy blend of dance styles, Pilates and Yoga.	<input type="checkbox"/>
<input type="checkbox"/> Eat Right America Bundle	\$97
A comprehensive program that gives you personalized nutritional direction, incredible doctor-directed support and interactive tools that help you achieve your goals. Each Bundle includes:	<input type="checkbox"/>
<ul style="list-style-type: none"> • Personal Nutrition Prescriptions (4 Access Codes) • ERA's Community Website (2 Months Free) • Eat For Health 2-Book Set • Eat For Health Audio CD • Eating Like A Nutritarian DVD • Secrets To Healthy Cooking DVD • Daily Nutritarian Food Pyramid Magnet 	<input type="checkbox"/>
<input type="checkbox"/> Secrets to Healthy Cooking DVD	\$19.9
Dr. Fuhrman shares his favorite recipes for eating right along with practical steps for you to create healthy dishes at home.	<input type="checkbox"/>
<input type="checkbox"/> Nutritional Excellence: Eating for Health and Longevity CD	\$19.9
Dr. Fuhrman discusses how to achieve nutritional excellence during one of his live talks.	<input type="checkbox"/>
<input type="checkbox"/> Osteoporosis Protection for Life DVD	\$19.9
An optimal, drug-free approach to build and maintain healthy bones.	<input type="checkbox"/>
<input type="checkbox"/> Cholesterol Protection for Life	\$14.9
There is irrefutable evidence that high cholesterol levels are associated with increased risk of coronary artery disease and a resultant heart attack. Cholesterol Protection For Life explains my nutritional approach to heart disease and cholesterol lowering. It describes the safest and most potent natural cholesterol-lowering agents that can be used in conjunction with my dietary approach to assure that dramatic cholesterol lowering can occur without the risks of taking drugs.	<input type="checkbox"/>
<input type="checkbox"/> Eat for Health Softcover Book	\$17.9
Now get all of the great information from the Eat For Health 2 Book Set in one convenient paperback edition. Book One – The Mind Makeover gives you the essential steps for sustainable success and, Book Two – The Body Makeover includes eating plans and hundreds of delicious recipes to keep you on track.	<input type="checkbox"/>
<input type="checkbox"/> Disease-Proof Your Child (Paperback)	\$14.9
Dr. Fuhrman presents the fascinating science which demonstrates that the current epidemic of adult cancers and other diseases are closely linked to what we eat as children. This book explains how eating right in childhood is the most powerful weapon against the growing cancer epidemic. He also reveals how the seeds for future auto-immune diseases are sown in childhood, and how by eating right today, children can be healthy tomorrow.	<input type="checkbox"/>

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NUTRIENT SCORES

ERNI Nutrient Scores

As a nutritarian, it's important that you know the nutrient density of your food. Not merely vitamins and minerals, but adequate consumption of phytochemicals are essential for a normal immune system and to enable our body's detoxification and cellular repair mechanisms that protect us from cancer and other diseases.

Nutritional science in the last twenty years has demonstrated that colorful plant foods contain a huge assortment of protective compounds, mostly unnamed at this point. Only by eating an assortment of natural foods that are nutrient-rich, can we access these compounds and protect ourselves from the common diseases that afflict Americans. Our modern, low-nutrient eating style leads to an overweight population with common diseases of nutritional ignorance and medical costs spiraling out of control. We need to flip our traditional thinking upside down, and begin eating a diet rich in vegetables, fruits, nuts, seeds, and grains

In order to measure nutrient density, Eat Right America created rankings of foods according the nutrients they pack.

Because phytochemicals are largely unnamed and unmeasured, these rankings underestimate the healthful properties of colorful natural plant foods compared to processed foods and animal products. One thing we do know is that the foods that contain the highest amount of known nutrients are the same foods that contain the most unknown nutrients too. So even though these rankings may not consider the phytochemical number sufficiently they are still a reasonable measurement of their content.

A Sample of Eat Right America's ERNI Nutrient Density Scores

Kale	100	Kidney Beans	10	Walnuts	3
Collards	100	Sweet Potato	8	Grapes	3
Bok Choy	82	Sunflower Seeds	8	White Potato	3
Spinach	74	Peach	7	Banana	3
Brussel Sprouts	67	Apple	7	Chicken Breast	3
Arugula	56	Green Peas	7	Eggs	3
Cabbage	48	Cherries	7	Peanut Butter	3
Romaine	39	Flax Seeds	6	Whole Wheat Bread	2
Broccoli	37	Sesame Seeds	6	Low Fat Yogurt	2
Cauliflower	29	Pineapple	6	Feta Cheese	2
Green Pepper	26	Edamame	6	Whole Milk	2
Artichoke	24	Oatmeal	5	Ground Beef	2
Carrots	24	Mango	5	White Pasta	2
Asparagus	23	Cucumber	5	White Bread	2
Strawberry	21	Pistachio Nuts	5	Apple Juice	2
Pomeg. Juice	19	Corn	4	Swiss Cheese	2
Tomato	16	Salmon	4	Potato Chips	1
Blueberries	13	Almonds	4	Cheddar Cheese	1
Iceberg	11	Shrimp	4	Vanilla Ice Cream	1
Orange	10	Tofu	4	Olive Oil	1
Lentils	10	Avocado	4	French Fries	1
Cantaloupe	19	Skim Milk	4	Cola	0

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Keep in mind that nutrient density scoring is not the only factor that determines good health. For example, if we only ate foods with a high nutrient density score our diet would be too low in fat. So we have to pick some foods with lower nutrient density scores (but preferably the ones with the healthier fats) to include in our high nutrient diet. Additionally, if a thin person or highly physically active individual ate only the highest nutrient foods they would become so full from all of the fiber and nutrients that would keep them from meeting their caloric needs and they would eventually become too thin. This of course gives you a hint at the secret to permanent weight control.

Eat Right America's Nutrient Density Scoring System

To determine the scores above almost all vitamins and minerals were considered and added in. Nutrient Data from Nutritionist Pro software for an equal caloric amount of each food item was obtained. We included the following nutrients in the evaluation: Calcium, Carotenoids: Beta Carotene, Alpha Carotene, Lutein & Zeaxanthin, Lycopene, Fiber, Folate, Glucosinolates, Iron, Magnesium, Niacin, Selenium, Vitamin B1 (Thiamin) Vitamin B2 (Riboflavin), Vitamin B6, Vitamin B12, Vitamin C, Vitamin E, Zinc, plus ORAC score X 2 (Oxygen Radical Absorbance Capacity is a method of measuring the antioxidant or radical scavenging capacity of foods).

Nutrient quantities, which are normally in many different measurements (mg, mcg, IU) were converted to a percentage of their RDI so that a common value could be considered for each nutrient. Since there is currently no RDI for Carotenoids, Glucosinolates, or ORAC score, goals were established based on available research and current understanding of the benefits of these factors. (limited references below). The % RDI or Goal for each nutrient which the USDA publishes a value for was added together to give a total. All nutrients were weighted equally with a factor of one except for the foods ORAC score. The ORAC score was given a factor 2 (as if it were two nutrients) due to the importance of antioxidant nutrients so that measurement of unnamed anti-oxidant phytochemicals were represented in the scoring. The sum of the food's total nutrient value was then multiplied by a fraction to make the highest number equal 1000 so that all foods could be considered on a numerical scale of 1 to 1000.

NOTE

Eat Right America's nutrient density food rankings, scoring system, and point determinations of foods is a patented process.

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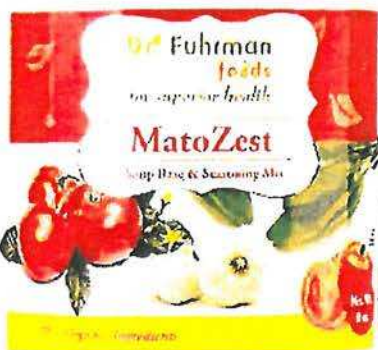
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Eat Right America MatoZest - C62265

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Eat Right America MatoZest - 8oz

Dr. Fuhrman's MatoZest is tomato based with more of a zesty Italian flair featuring sun-dried tomatoes, garlic and onion.

Benefits:

- MatoZest is great tasting, certified organic and kosher
- Flavor all your soups, salad dressings and dips
- Use alone in hot water as a weight-loss aid and phytochemical food supplement
- Sprinkle on any dish as a seasoning, replacing salt
- Get phytonutrients, amino acids, antioxidants, plant enzymes and trace minerals to complement your healthy lifestyle
- MatoZest has been formulated without the addition of possible allergy producing ingredients such as: sugar, starch, salt, honey, lactose, eggs, milk, colors and fructose

How to Use:

Use as an all purpose seasoning or soup base starter.

Ingredients: Dried Vegetables (Tomato (including Sundried Tomato), Carrots, Organic Onion, Organic Spinach, Organic Garlic), Organic Soy Grits, Organic Date Sugar, Nutritional Yeast, Spices, Organic Canola Oil, Organic Parsley, with not more than 2% Silicon Dioxide added as a processing aid.

Please Note:

Contains the allergen soy.

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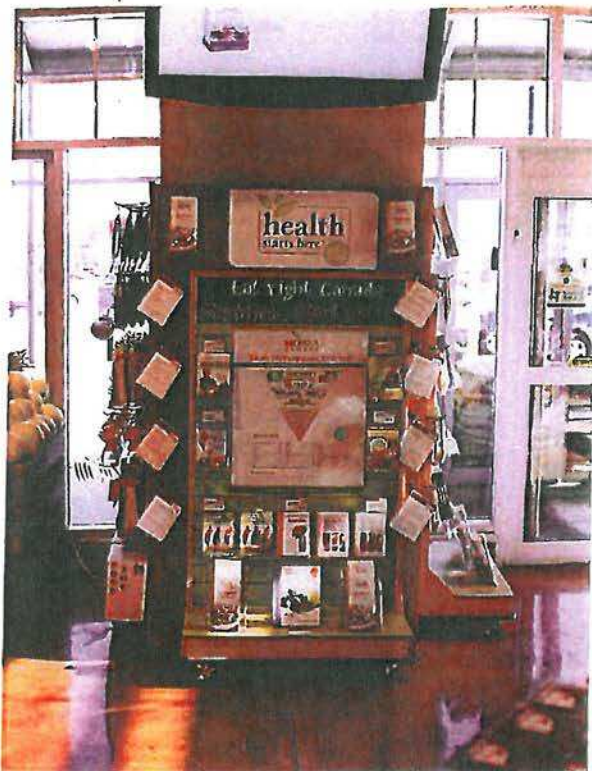


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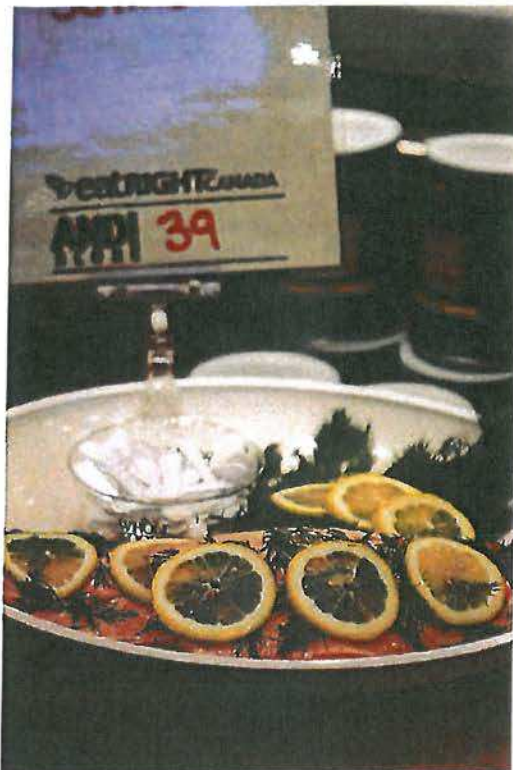
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